

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No: MICT- 12-15

Date: 2 November 2017

Original: English

THE OFFICE OF THE PRESIDENT

Before: Judge Theodor Meron, President

Registrar: Mr. Olufemi Elias

THE PROSECUTOR

v.

ALFRED MUSEMA

CONFIDENTIAL WITH PUBLIC ANNEX A

**MOTION FOR ACCESS TO CONFIDENTIAL *INTER PARTES* MATERIAL FROM
THE *PROSECUTOR v NTAKIRUTIMANA***

Office of the Prosecutor
Serge Brammertz

Counsel for Alfred Musema
Steven Kay QC
Gillian Higgins

UNITED
NATIONS



MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

PUBLIC ANNEX A

List of Crime Sites and Witnesses

Crime Sites and Witnesses

- Alfred Musema was convicted in relation to 7 crime sites.
- He was convicted by 9 witness in total (in respect of two of the witnesses (Witnesses M and R) there is a dissenting opinion from His Honor Judge ('HHJ') Aspergren).
- 4 of the crime sites each rests on only one witness – M (dissent), R (dissent), H and S (no corroboration)
- The other 2 crime sites rely on the testimony of these witnesses as set out below: F, T, N, AC, D
- 3 of the crime sites were not proved beyond a reasonable doubt ('BRD') according to the dissenting opinion of HHJ Aspergren (Gitwa Hill, 26th April, Rwirambo Hill and Nyakavumu cave)

- | | | |
|-----|---------------------------------------------------|--------------------------------------------------------------------------------------------|
| (1) | Gitwa Hill 26th April: | Witness M (dissenting opinion from HHJ Aspergren)
NOT PROVEN BRD: HHJ ASPERGREN |
| (2) | Rwirambo Hill
end Apr/beg May: | Witness R (dissenting opinion from HHJ Aspergren)
NOT PROVEN BRD: HHJ ASPERGREN |
| (3) | Muyira Hill
13th May: | Witnesses F, T, N (Not relied upon: P, R, Z, G) |
| (4) | Muyira Hill
14th May: | Witnesses AC, T, D, F (not eye witness) Not relied upon: R, Z |
| (5) | Muyira Hill
mid-May
betw 10-20 May | Witness H |
| (6) | Mumataba Hill
Mid May betw 10-20 May | Witness S |
| (7) | Nyakavumu Cave
Mid May | Witnesses H, S, D, AC
NOT PROVEN BRD: HHJ ASPERGREN |



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	MICT Registry/ <i>Greffe du MPTI</i>	<input type="checkbox"/> Arusha/ <i>Arusha</i>	<input checked="" type="checkbox"/> The Hague/
From/ De :	<input type="checkbox"/> Chambers/ <i>Chambre</i>	<input checked="" type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i> <input type="checkbox"/> Other/ <i>Autre :</i>
Case Name/ Affaire :	Prosecutor v. Alfred Musema		Case Number/ Affaire n° : MICT-12-15
Date Created/ Daté du :	2 November 2017	Date transmitted/ Transmis le :	2 November 2017 No. of Pages/ Nombre de pages : 9
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
Title of Document/ Titre du document :	CONFIDENTIAL MOTION FOR ACCESS TO CONFIDENTIAL INTER PARTES MATERIAL FROM THE PROSECUTOR v NTAKIRUTIMANA WITH PUBLIC ANNEX A		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>
	<input checked="" type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
Document type/ Type de document :	<input checked="" type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>
	<input type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
	<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input checked="" type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>
<input type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction :</i> (Word version of the document is attached/ <i>La version Word est jointe</i>)
<input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>
Original/ Original en <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
Translation/ Traduction en <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>
<input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :

Send completed transmission sheet to/ *Veillez soumettre cette fiche dûment remplie à :*
JudicialFilingsArusha@un.org OR/OU JudicialFilingsHague@un.org

Rev: April 2014/Rév. : Avril 2014